

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

RONNIE L. JACKSON,

Plaintiff,

v.

**JOHN E. POTTER,
Postmaster General,**

Defendant.

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CIVIL ACTION NO.

SA-07-CV-0376 RF (NN)

ORDER DENYING IN FORMA PAUPERIS

The matter before the court is plaintiff's application to proceed in forma pauperis (docket entry 1).

In his application, plaintiff reports that he currently receives salary of \$13.00 an hour for a job at which he works 33 hours weekly. He also receives an unspecified military retirement and recently received an unspecified tax refund. Additionally, his wife earns approximately \$1900.00 per month. Plaintiff explains that his current employment may cease in August and that his wife's teaching job and attendant salary at San Antonio College will be interrupted during the summer months. Plaintiff has been denied IFP on January 5 and December 28, 2006, and earlier on April 14, 2004 in three previous lawsuits in which plaintiff challenged the employment situation with the U.S. Postal Service which he complains of here.¹

¹In SA-04-CA-166 FB, the Court granted summary judgment against plaintiff finding that those claims that accrued prior to June 27, 2002 were time barred, that plaintiff was not subjected to an adverse employment action, and that plaintiff had not established disability discrimination. (Docket entry 17, adopting Recommendation of U.S. Magistrate Judge, docket entry 14).

While plaintiff need not establish that he is totally destitute before he may be granted leave to proceed in forma pauperis, after examining his statement of expenses I find this plaintiff has the resources to pay the filing fee to initiate this action.

It is therefore **ORDERED** that:

1. Plaintiff's application for leave to proceed in forma pauperis is **DENIED**.
2. On or before 30 days from date of this Order, plaintiff shall pay the required filing fee in this cause.
3. In the event plaintiff wishes to appeal from my denial of the application for leave to proceed in forma pauperis, he must file his appeal to the District Court from this Order within 10 days of the date of this Order.
4. Plaintiff is advised that in the event that he fails to either pay the filing fee or file an appeal from this Order within the time frames set forth above, the District Court will issue an Order dismissing this cause without prejudice.

SIGNED on May 2, 2007.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE